



11-04-04

DAC

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Brian L. Whitworth

Application No.: 09/770,150

Art Unit: 3625

Filed: 01/27/2001

Examiner: Thein, Marissa

Title: Virtual Picture Hanging
Via the Internet

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

RECEIVED
NOV 08 2004
OFFICE OF PETITIONS

RECEIVED
NOV - 5 2004
OIPE/JCMS

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Restriction Requirement (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/05/2004 EABUBAK1 00000106 09770150

01 FC:2453

685.00 OP

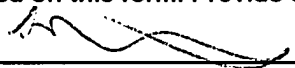
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

	November 3, 2004
Signature	Date
Brian Lee Whitworth	N/A
Typed or printed name	Registration Number, if applicable
6032 POMEGRANATE LANE	818 347 4348
Address	Telephone Number
WOODLAND HILLS, CA 91367	
Address	

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Copy of Response to Restriction Requirement

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

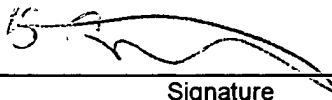
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

November 3, 2004

Date



Signature

Brian Lee Whitworth

Typed or printed name of person signing certificate

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

NOV 08 2004

OFFICE OF PETITIONS

Re application of Whitworth, Brian L.
Serial No.: 09/770,150
Filed 01/27/2001
For: Virtual Picture Hanging Via the Internet

Art Unit: 3625
Examiner: Thein, Marissa

Office of Petitions:

Attached please find my petition to revive an unintentionally abandoned patent application, 09/770,150. I also provide some background herein.

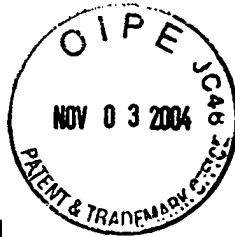
I phoned examiner Thein upon receipt of a restriction requirement in March of 2004 to clarify questions regarding a restriction requirement and then filed both a change of address form and my response to the restriction requirement (a copy of which is enclosed). Those were filed in a timely fashion. Unfortunately, the attached Response to Restriction Requirement does not appear to have ever arrived at the examiner's desk. Though I have scanned copies of certificates of mailing, many of my files received water damage recently. Thus, I have the dual problems of that response not making it to the examiner's desk, and not being able to produce a clear certificate of mailing to prove it was sent.

Therefore, I attach a Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(B). A check for the required fee of \$685 is also enclosed.

Thank-you for your attention in this matter. Please feel free to call me if there are any questions,


Brian L Whitworth
6032 Pomegranate Lane
Woodland Hills, CA 91367
bwhitworth@financialpatents.com
phone 818 347 4348
cell 310 780 5568
fax 208 567 8370

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
RESPONSE TO OFFICE ACTION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of Whitworth, Brian L.
Serial No.: 09/770,150
Filed 01/27/2001
For: Virtual Picture Hanging Via the Internet

Art Unit: 3625
Examiner: Thein, Marissa

RECEIVED
NOV 08 2004
OFFICE OF PETITIONS

Dear Ms Thein:

This communication is filed in response to the Office Action dated March 16, 2004.

Election/Restrictions

In paragraph 1 of the Office Action, it was asserted that the above-referenced application contains claims directed to the following patentably distinct inventions:

- I. Claims 1-32, drawn to a method of displaying an image of an item for sale or auction, classified in class 705, subclass 27.
- II. Claims 33-41, drawn to a method of simulating the appearance of one or more items for sale or auction, classified in class 705, subclass 27.
- III. Claims 42-44, drawn to a method of selecting candidate items for possible purchase, classified in class 705, subclass 26.

I, the applicant, elect **Group I** (claims 1-32) for prosecution on the merits.

In addition, please note that my contact information has changed. I previously filed a form SB/122 on March 1, 2004 and have included a copy with this response.

Respectfully Submitted,

A handwritten signature of Brian L. Whitworth.

Brian L. Whitworth
6032 Pomegranate Lane
Woodland Hills, CA 91367
bwhitworth@financialpatents.com
office 818 347 4348
cell 310 780 5568
fax 208 567 8370